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ELI LILLY AND COMPANY

Date September 19, 2003



PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Krushinski, et al.)
Serial No.: 09/890,741)
Filed : December 4, 2001) Group Art Unit:
For : 5-HTIFAGONISTS) 1624
Docket No. : X- 11704) Examiner:
) Mark L. Berch

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The corresponding Chinese language documents were cited in the corresponding Chinese application as references against inventiveness. English language equivalents, as found in patent family searches, are being submitted instead of the Chinese language documents.

It is our opinion that these references are immaterial to the present case for at least the following reasons:

Both references only disclose substance P antagonists with no mention or suggestion of 5-HT_{1F} agonist activity. The compounds disclosed in each reference have significant structural differences in the cores of the compounds compared to the presently claimed invention. Both have large and significant substitutions on their respective piperidinyl moieties not permitted in the presently claimed invention. Neither have the highly significant R' substituent on their respective benzyl moieties. Both have significantly different linkages between the piperidinyl and benzyl moieties (D1 has a methyleneamino linkage to the piperidinyl 3-position and D2 has a carbonyl linked to the piperidinyl nitrogen resulting in an amide bond, rather than a carbonyl linkage to the piperidinyl 4-position as in the present invention.

The changes to the referenced compounds necessary to arrive at the presently claimed compounds are so radical, and the description is so lacking in teaching toward the structural requirements for 5-HT_{1F} activity, that the ordinarily skilled chemist would strongly expect the compounds to lose their intended substance P antagonist activity and would be highly surprised to obtain 5-HT_{1F} agonist activity."

Applicants request consideration of this information.

Respectfully submitted,



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